

## **REMARKS**

### **Specification**

In the specification, the paragraph beginning on page 1, line 2 has been amended to update related application information, correct the filing date for U.S. patent application serial no. 08/968,906 and to add U.S. patent numbers for applications that have issued as patents.

### **Status of the Claims**

Following entry of the amendments to the claims, claims 18, 21-22, 24, and 26-36 will be pending, claims 18, 21, 24, 26, 28, 30, and 34 are amended, claims 19-20, 23, and 25 are cancelled, and new claims 35-36 are introduced.

### **Rejections under 35 U.S.C. § 102(e)**

Claims 18-22, 25, 27 and 29 stand rejected under 35. U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,368,328 to Chu *et al.* (hereinafter “Chu”). Applicants respectfully traverse the rejection of the claims to the extent the rejection is maintained over the claims as amended.

Amended independent claim 18 recites a medical retrieval device comprising a retrieval assembly comprising a proximal portion with a plurality of strands, and a distal portion positioned at the end of the proximal portion. The distal portion comprises a plurality of wires. Each wire of the distal portion is joined to the distal end of at least two strands and extends perpendicular to the long axis of the device when the proximal portion of the retrieval assembly extends out of the distal end of the sheath.

Chu discloses an engaging assembly having legs and a laser-resistant fabric attached to the distal ends of the legs (col. 8, lines 29-33). Chu teaches a fabric joined to the legs of Chu's engaging assembly. The fabric includes materials such as plastics, metal plating of the fabric, or a mesh (col. 8, lines 34-43). Chu does not teach Applicant's claimed invention including a distal portion comprising a plurality of wires, each wire joined to the distal end of at least two strands.

Accordingly, Applicants, for the reasons provided above, respectfully submit that Chu fails to teach each and every element of amended independent claim 18 and is an improper reference under 35 U.S.C. §102. Applicants respectfully request that the rejection be reconsidered and withdrawn.

Applicants respectfully submit that claims 21-22, 24, and 26-29 depend from claim 18 and are patentable for at least all of the reasons for which claim 18 is patentable. Claims 19-20 and 25 are cancelled rendering the rejection of these claims moot.

Claims 18, 23, 30 and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,096,053 to Bates *et al.* (hereinafter "Bates"). Applicants respectfully traverse the rejection to the extent it is maintained over the claims as amended.

Bates teaches a device including a mesh portion for retrieving material from a body. The mesh portion of Bates' device is preferably formed of a deformable mesh or net material, or of braided or woven fibers or metal wires, or a plurality of spirally arranged wires (col. 3, lines 23-45), wherein predetermined shapes of the mesh portion have "concave or convex surfaces" (col. 5, lines 15-19). Bates does not teach or suggest

Applicants' claimed invention in which the distal portion of Applicants' retrieval assembly extends perpendicular to the long axis of the retrieval device.

Accordingly, Applicants, for the reasons provided above, respectfully submit that Bates fails to teach each and every element of amended independent claim 18 and is an improper reference under 35 U.S.C. § 102. Applicants respectfully request that the rejection be reconsidered and withdrawn.

Applicants respectfully submit that claims 21-22, 24, and 26-29 depend from claim 18 and are therefore patentable for at least all of the reasons for which claim 18 is patentable. Claim 23 is cancelled thereby rendering the rejection of this claim moot.

Claim 30 recites a method for removing an object from a body by inserting a retrieval device having all of the limitations recited in claim 18 into the body. Accordingly, claim 30 and dependent claims 31-34 are patentable for at least all of the reasons for which claim 18 is patentable.

*Rejection under 35 U.S.C. § 103(a)*

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chu. Claim 26 depends from claim 18 and is therefore patentable for at least all of the reasons for which claim 20 is patentable. Therefore, reconsideration and withdrawal of the rejection of claim 26 is respectfully requested.

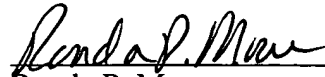
**CONCLUSION**

In the view of the foregoing amendments and remarks, Applicants respectfully submit that claims 18, 21-22, 24, and 26-36 are in condition for allowance and request early and favorable action.

Respectfully submitted,

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